



23
102.1043.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

McCloghrie et al.

Serial No. 09/106,519

Filed: June 29, 1998

For: Sampling Packets for Network Monitoring

Art Unit: 2661

Examiner: Bob Phunkulh

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OFFICE OF PETITIONS

07/02/2002 AWONDAF1 00000084 500365 09106519
01 FC:179 740.00 OP
02 FC:116 200.00 CH 200.00 OP

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail, in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

on June 20, 2002
Date

Arlette Malhas

FEE DEFICIENCY PAYMENT LETTER

Honorable Assistant Commissioner
for Patents
Washington, D.C. 20231

Dear Sir:

The above-identified patent application was originally filed claiming large entity status. It is now discovered that small entity fees were paid inadvertently in error with no deceptive intent, when filing RCE papers on 4/30/02 (copy attached). Pursuant to 37 CFR 1.28 applicant hereby requests acceptance of the total deficiency payment owed for each fee erroneously paid with authorization to charge the fee deficiency per the included Credit Card Payment Form PTO-2038.

Adjustment date: 07/02/2002 AWONDAF1
05/13/2002 GTEFFERA 00000115 09106519
01 FC:279 -370.00 OP

Adjustment date: 07/02/2002 AWONDAF1
05/17/2002 DLITTLE 00000003 500365 09106519
01 FC:216 -200.00 CR

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Itemization of the deficiency payment.

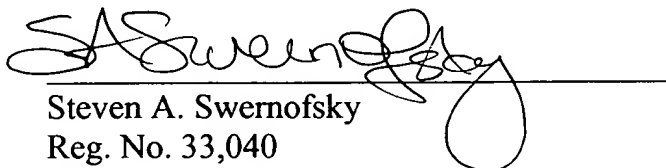
Type of Fee Erroneously Paid as Small Entity	Current Fee For Non-Small Entity	Fee Paid Erroneously as Small Entity	Date of Payment of Non-Small Entity Fee	Deficiency Owed
(RCE)	\$740.00	\$370.00	4/30/02	\$370.00
*Claim Fee (Should be 2 Not 4)	\$ 36.00	\$36	4/30/02	\$0
2-month Extension of Time paid to deposit account 50-0365 (Copy of Statement Attached)	\$400.00	\$200.00	5/17/02	\$200.00
Total				\$570.00

*The extra claims in the Amendment with the Request for Continued Examination filed 4/30/02 were numbered incorrectly. The correct number of extra claims should be 2.

In the event we have miscalculated the deficiency fees, Deposit Account No. 50-0365 may be used to credit any overpayment or make up any underpayment thereof.

Respectfully submitted,

Dated: June 20, 2002


 Steven A. Swernofsky
 Reg. No. 33,040

Swernofsky Law Group PC
 P.O. Box 390013
 Mountain View, CA 94039-0013
 (650) 947-0700

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22883

PTQ/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

PATENT TRADEMARK OFFICE Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paper Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAC \$ (5)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/106,519
Filing Date	Jun 29, 1998
First Named Inventor	McCloghrie et al.
Group Art Unit	2661
Examiner Name	Bob Phunkulh
Attorney Docket Number	102.1043.01

Total Number of Pages in This Submission

11

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OFFICE OF PETITIONS**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached Credit card Payment Form 2038	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fee Deficiency Letter (2 pgs); copy of RCE and Fee transmittal filed 4/30/02; Copy of Deposit Account Stmt; Return Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Steven A. Swernofsky	Reg. no. 33,040
Signature		
Date	June 20, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: June 20, 2002			
Type or printed name	Arlette Malhas, Paralegal		
Signature		Date	June 20, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PATENT TRADEMARK OFFICE

PTO/SB/17 (11-01)

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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$570.00)

Complete if Known

Application Number 09/106,519

Filing Date 6/29/1998

First Named Inventor McCloghrie et al.

Examiner Name Bob Phunkulh

Group/Art Unit 2661

Attorney Docket No. 102.1043.01

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METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
Deposit Account Name

50-0365

Swernofsky Law Group

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application required for this filing.☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from Below	Fee Paid
Indpendent Claims	-20**=	X	=
Multiple Dependent	-3**=	X	=

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	200.00
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	370.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

COPY OF PAPERS
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*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$570.00)

SUBMITTED BY

Name (Print/Type) Steven A. Swernofsky

Signature

Registration No.
(Attorney/Agent)

33,040

Complete (if applicable)

Telephone 650-947-0700

Date June 20, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Deposit Account Statement

Requested Statement Month: May 2002
 Deposit Account Number: 500365
 Name: SWERNOFSKY LAW GROUP
 Attention: LISA GILLIGAN
 Address: P.O. BOX 390013
 City: MOUNTAIN VIEW
 State: CA
 Zip: 94039-0013

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
05/08	29	10090485	221.1001.01	581	\$40.00	\$5,751.00
05/09	13	10082493	155101001	581	\$40.00	\$5,711.00
05/09	15	10101428	216100102	581	\$40.00	\$5,671.00
05/16	46	10105060	1031075.01	581	\$40.00	\$5,631.00
05/17	3	09106519	102.1043.01	216	\$200.00	\$5,431.00
05/28	2	10076866	219.1002.02	203	\$18.00	\$5,413.00
05/28	3	10076866	219.1002.02	205	\$65.00	\$5,348.00
05/29	1	10076866	219.1002.02	205	-\$65.00	\$5,413.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$5,791.00	\$443.00	\$65.00	\$5,413.00

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PTO/SB/17 (11-01)

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 PATENT TRADEMARK AND COPYRIGHT OFFICE: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002 <i>Patent fees are subject to annual revision.</i>		Complete if Known	
		Application Number	09/106,519
		Filing Date	6/29/1998
		First Named Inventor	McCloghrie, et al.
		Examiner Name	Bob Phunkulh
		Group/Art Unit	2661
		Attorney Docket No.	102.1043.01
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$406.00)		

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 50-0365 Deposit Account Name: Swernofsky Law Group The Commissioner is authorized to: (check all that apply) <input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application required for this filing. <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		FEE CALCULATION (continued)																																																																																																																																																																																																																																					
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late filing fee or oath		127	227	50	25	Surcharge - late provisional filing fee or cover sheet		139	139	130	130	Non-English specification		147	147	2,520	2,520	For filing a request for reexamination		112	112	920*	920*	Requesting publication of SIR prior to Examiner action		113	113	1,840*	1,840*	Requesting publication of SIR after Examiner action		115	215	110	55	Extension for reply within first month		116	216	400	200	Extension for reply within second month		117	217	920	460	Extension for reply within third month		118	218	1,440	720	Extension for reply within fourth month		128	228	1,960	980	Extension for reply within fifth month		119	219	320	160	Notice of Appeal		120	220	320	160	Filing a brief in support of an appeal		121	221	280	140	Request for oral hearing		138	138	1,510	1,510	Petition to institute a public use proceeding		140	240	110	55	Petition to revive - unavoidable		141	241	1,280	640	Petition to revive - unintentional		142	242	1,280	640	Utility issue fee (or reissue)		143	243	460	230	Design issue fee		144	244	620	310	Plant issue fee		122	122	130	130	Petitions to the Commissioner		123	123	50	50	Petitions related to provisional applications		126	126	180	180	Submission of information Disclosure Stmt		581	581	40	40	Recording each patent assignment per property (times number of properties)		146	246	740	370	Filing a submission after final rejection (37 CFR § 1.129(a))		149	249	740	370	For each additional invention to be examined (37 CFR § 1.129(b))		179	279	740	370	Request for Continued Examination (RCE)	370.00	169	169	900	900	Request for expedited examination of a design application		Other fee (specify)						SUBTOTAL (3)					(\$370.00)
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121	221	280	140	Request for oral hearing																																																																																																																																																																																																																																			
138	138	1,510	1,510	Petition to institute a public use proceeding																																																																																																																																																																																																																																			
140	240	110	55	Petition to revive - unavoidable																																																																																																																																																																																																																																			
141	241	1,280	640	Petition to revive - unintentional																																																																																																																																																																																																																																			
142	242	1,280	640	Utility issue fee (or reissue)																																																																																																																																																																																																																																			
143	243	460	230	Design issue fee																																																																																																																																																																																																																																			
144	244	620	310	Plant issue fee																																																																																																																																																																																																																																			
122	122	130	130	Petitions to the Commissioner																																																																																																																																																																																																																																			
123	123	50	50	Petitions related to provisional applications																																																																																																																																																																																																																																			
126	126	180	180	Submission of information Disclosure Stmt																																																																																																																																																																																																																																			
581	581	40	40	Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																			
146	246	740	370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																																																																																																																																			
149	249	740	370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																																																																			
179	279	740	370	Request for Continued Examination (RCE)	370.00																																																																																																																																																																																																																																		
169	169	900	900	Request for expedited examination of a design application																																																																																																																																																																																																																																			
Other fee (specify)																																																																																																																																																																																																																																							
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr> <td>103</td> <td>203</td> <td>18</td> <td>9</td> <td>Claims in excess of 20</td> <td></td> </tr> <tr> <td>102</td> <td>202</td> <td>84</td> <td>42</td> <td>Independent claims in excess of 3</td> <td></td> </tr> <tr> <td>104</td> <td>204</td> <td>280</td> <td>140</td> <td>Multiple dependent claim, if not paid</td> <td></td> </tr> <tr> <td>109</td> <td>209</td> <td>84</td> <td>42</td> <td>**Reissue independent claims over original patent</td> <td></td> </tr> <tr> <td>110</td> <td>210</td> <td>18</td> <td>9</td> <td>**Reissue claims in excess of 20 and over original patent</td> <td></td> </tr> <tr> <td colspan="5">SUBTOTAL (2)</td> <td>(\$36.00)</td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid	103	203	18	9	Claims in excess of 20		102	202	84	42	Independent claims in excess of 3		104	204	280	140	Multiple dependent claim, if not paid		109	209	84	42	**Reissue independent claims over original patent		110	210	18	9	**Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)					(\$36.00)																																																																																																																																																																																												
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**or number previously paid, if greater; For Reissues, see below

*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Steven A. Swernofsky	Registration No. (Attorney/Agent)	33,040
Signature	<i>Swernofsky</i>	Telephone	650-947-0700
		Date	04/30/2002

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